

SB 568 (Lowenthal)

POLYSTYRENE FOOD CONTAINERS

AS AMENDED 7/12/2011

BACKGROUND SHEET

PURPOSE

To help mitigate the detrimental effects polystyrene foam is having on our communities, waterways, and marine life.

SUMMARY

SB 568 would prohibit a food vendor or restaurant on or after January 1, 2016 from dispensing prepared food to a customer in a polystyrene foam food container (a.k.a. Styrofoam). The compliance date for public schools is July 1, 2017.

The bill would also allow a school district or local jurisdiction (City or County) that has a verifiable recycling program and recycles more than 60% of its foam foodware to continue to dispense food in foam after the ban goes in effect. This recycling program would have to be renewed every five years.

BACKGROUND

Expanded polystyrene foam (EPS), commonly known as StyrofoamTM, is pervasive in the marine environment. Like most plastics, polystyrene is lightweight and floats. When littered, it is blown out of landfills and open dumpsters, and off city streets to nearby waterways. Wind washes it off streets and through storm drains out to the ocean. In the environment, the containers break down into smaller and smaller pieces and are easily mistaken for food by fish, birds, and other wildlife.

Foam comprises 71% of the plastics migrating through the LA and San Gabriel Rivers in the LA Basin out to the ocean. A study of beach debris at 43 sites along the Orange County coast found that EPS was the second most abundant form of beach debris.

EPS is not biodegradable.

To be truly biodegradable according to California law, a plastic bag or container must be certified by the Biodegradable Products Institute as “compostable” and that means it is designed to biodegrade in a commercial compost facility. Compostable plastics are not designed to degrade on streets, in home compost facilities, or in the water. EPS is not compostable or biodegradable. When it winds up on streets, land, beaches, waterways and in the landfill, foam and other non-biodegradable plastics may never disappear.

Recycling Foam Food Containers

There is virtually no meaningful food service EPS recycling in California. Because EPS foodware is contaminated from food residue, recycling is very limited. Recycling food contaminated foam is costly: it requires collection, washing, densifying and transport to a recycler, all at taxpayer expense and there is no resale value for recycled foam. Food service EPS by its nature only has a useful life that can be measured in minutes or hours. Yet it is uncertain that the material will ever degrade or disappear in the environment.

Alternative products can be just as low cost.

Paper and other plastic products are often cost comparable to foam. Due to increased demand for more sustainable packaging, many compostable and recycled products are decreasing in cost and becoming widely available at big box stores.

64 jurisdictions in California including inland and coastal, large and small, wealthy and low income municipalities have successfully banned EPS. All of these jurisdictions' food vendors provide their take out in alternative packaging including, paper, plastic, compostable materials, aluminum foil etc.

California jobs will increase with SB 568. Currently there are more jobs manufacturing non-foam packaging in California than foam food packaging related jobs. Large companies like International Paper, Fold-Pak, Hutamaki (makes Chinette), and Dart (Solo cups and packages), and Pactiv make non-foam products in California. Increasing demand for non-foam packaging will boost employment in these facilities and potentially other cities in CA.

It is important to create a statewide policy and uniformity regarding this nuisance form of litter and marine pollution.

DANGERS OF POLYSTYRENE FOAM

Workers in polystyrene products manufacturing are exposed to many harmful chemicals, including Styrene, Toluene, Xylene, Acetone, Methyl Chloride, and Methyl Ketone. Occupational exposure to styrene increases risk of lymphoma, leukemia, lung tumors, pancreatic cancer, urinary bladder cancer and other cancers. High rates of neurotoxicological effects have been reported in workers.

Public health is also impacted by the use of all polystyrene food containers. Styrene can

migrate from polystyrene containers into food and beverages when heated or in contact with fatty or acidic foods. Styrene residues are found in 100% of all samples of human fat tissue. Styrene is a carcinogen in lab animal testing, a likely human carcinogen and a neurotoxin.

ADDITIONAL RESOURCES

Local Ordinances Banning Polystyrene Containers

Clean Water Action

www.cleanwater.org

Facts and Research about Polystyrene and StyrofoamTM Litter

Clean Water Action California

<http://www.cleanwater.org/ca>

SUPPORT

SPONSOR: Clean Water Action

Miriam Gordon, Ph# 415-369-9170

Cosponsor: Surfrider Foundation

Angela Howe, Ph# 949-492-8170

Labor Organizations

- American Federation of State, County, and Municipal Employees (AFSCME)
- California Federation of Teachers (CFT)
- California Teamsters Public Affairs Council
- United Food and Commercial Workers (UFCW)

Food Service Packaging Companies

- Bridgegate Alliance-
- World Centric-
- Primelink Solution-
- Excellent Packaging-
- IFN Green Packaging-
- Be Green Packaging
- Schuler & Company, Inc.
- Eco Products
- EcoLunchbox
- ToGo Ware

Chambers of Commerce (Total businesses represented 3,356)

- Berkeley Chamber of Commerce (347 businesses)
- Carmel Chamber of Commerce (550 businesses)
- Carpinteria Valley Chamber of Commerce (400 businesses)
- Fremont Chamber of Commerce (1000 businesses)
- Green Chamber of Commerce (151 businesses)
- Santa Monica Chamber of Commerce (908 businesses)

Local Government (Total population represented 8,927,367)

- City of Arcata (population 17,248)
- City of Belmont (population 24,918)
- City of Calabasas (population 23,058)
- City of Capitola (population 9,781)
- City of Carpinteria (population 13,040)
- City of Culver City (population 38,883)
- City of Encinitas (population 59,518)
- City of Glendale (population 191,719)
- City of Long Beach (population 462,257)
- City of Los Angeles (population 3,792,621)
- City of Manhattan Beach (population 35,135)
- City of Millbrae (population 21,257)
- City of Monterey (population 27,810)
- City of Oakland (population 390,724)
- City of Palo Alto (population 61,200)
- City of Pasadena (population 137,122)
- City of Richmond (population 103,166)
- City of San Clemente (population 61,610)
- City of Santa Cruz (population 59,946)
- City of Santa Monica (population 87,563)
- City of Sebastopol (population 7,379)
- City of Ventura (population 110,813)
- City of West Hollywood (population 34,399)
- City and County of San Francisco (population 815,358)
- County of Los Angeles (unincorporated population 1,000,000 +)
- County of Monterey (unincorporated population 158,561)
- County of Santa Clara (unincorporated population 900,000)
- County of Santa Cruz (unincorporated population 129,161)
- County of Sonoma (unincorporated population 146,238)
- Town of Fairfax (population 7,099)

Restaurants/Food Service (Total Restaurants Represented - 118)

- 7-11 - Concord
- Alamo Gelato Italian
- Andersen Bakery- Concord
- Aunt Annie's Pretzels- Concord

- AXE Restaurant
- Bagel Street Café - Martinez
- Baja Betty's
- Bamboo Asia
- Bangkok Noodles
- Bar Pink
- Baraka Diner - Concord
- Barrel Aged- Martinez
- Barista- Concord
- Baskin Robbins – Concord
- Bay Leaf Café - Concord
- Big Sur Bakery and Restaurant
- Big Sur River Inn Restaurant
- Big Sur River Inn Store
- Big Sur Roadhouse
- Biryani Mania - Concord
- Bronze Buddha Thai Fusion - Concord
- Burger King- Concord
- Burger King- Martinez
- Café Blanco
- Café Metropoli
- Café Moda- Concord
- Caffino- Concord
- Center for Tactical Magic
- Chan Chan Restaurant
- Chan Dara
- China Gourmet - Martinez
- China Wall- Concord
- Cinnabon- Concord
- Classic Organic Farm & Market
- Creek Monkey Taphouse- Martinez
- DaDa Restaurant
- Deetjens Inn Restaurant
- Egg Plantation Restaurant
- Estancia Beef
- Fernwood Resort and Redwood Grill
- Fresh MXN Food
- Gelato Vero Cafe
- George's at the Cove (Restaurant)
- Global Gourmet Catering
- Godiva Chocolates- Concord
- Gossip Grill
- Grass Rootz Café
- Great Kahn's- Concord
- Hunan Restaurant - Concord
- Ike's Quarter Café
- Jack in the Box - Concord
- Jacques Couture
- Jake's Del Mar
- Jamba Juice - Concord
- Johnny Rocket's- Concord
- Karl Strauss Brewery Restaurants
- KD Foods
- Kentucky Fried Chicken - Concord

- Kiku Sushi
- Las Pena Cultural Center
- Lefty's Chicago Pizza
- Lestat's on the Park
- Little Caesar's - Clayton
- Little Caesar's - Concord
- Little Hunan- Martinez
- McConnell's Fine Ice Creams, Inc.
- McDonald's (Sun Valley) – Concord
- McDonald's - Martinez
- Mediterranean Gourmet Pizza
- Mediterranean- Concord
- Mimi's Café - Concord
- Modo Cafe
- Morgan's
- Mortain Mickle's Pizza- Martinez
- Mrs. Field's Cookies- Concord
- Naan 'N'Curry – Concord
- Naan 'N'Curry – San Francisco
- Ocean Beach People's Organic Market
- Ocean Beach People's Organic Food Coop
- Onyx Organics
- Orange Julius/ Dairy Queen- Concord
- Pacifica Pizza- Martinez
- Papa Murphy's - Clayton
- Parkhouse Eatery
- Passion Berry- Martinez
- Passion Fish (Café)
- Phil's Sliders
- Power Source Café
- Rachos Cocina
- Rawvolution Café
- Revive Drinks
- Rosie Lee's British Foods
- Sbarro- Concord
- Sierra Mar at Post Ranch Inn (Restaurant)
- Strictly To Go Pizzeria- Concord
- Stone World Bistro
- Sweet Bakery - Clayton
- Sweet Tart- Concord
- Subway- Concord
- Subway- Martinez
- Taqueria Los Gallos - Concord
- ToGo's- Martinez
- Tom's- Concord
- The Tap Room
- The Linkery
- Thera Nova, LLC
- Treats Café - Concord
- Turkish Kitchen
- Tutti Fruiti- Concord
- Twiggs
- Urban Mo's
- Veggie Today - Concord
- Vesta Flatbread

- Vinnie's Bar N Grill
- Wendy's- Martinez
- Wetzel's Pretzels- Concord
- Yoppi Yogurt
- Yogurt Shack - Concord

Businesses and Business/Green Economy Groups (Total businesses/groups represented 213)

- 4LEAF, Inc.
- Absolute Wireless Incorporated
- Acro Sports
- Accu-Logistics LLC
- ADEH Environmental
- All Stages Marketing
- Allen Associates
- Alvista America Inc.
- Amfect LLC
- Andrew Coffing
- A.V. Arias & Co.
- BACA
- Barbara Epstein
- Barkley & Associates
- BARS+TONE
- Bay Central Printing
- Beyond Basics Construction
- Be Green Packaging, LLC
- Bear Vault Inc.
- Big Hearted Films
- Big Sur Lodge
- Biosphere Industries
- Boku International, LLC
- Bowman Design Group
- Bring it
- Brown Custom Woodworking
- Bruner Interiors
- Busby Biological Services
- California Healthy Nail Salon Collaborative
- CBio, Inc.
- Cerebrotech Medical Systems
- Chiara
- CMC
- Complete Real Estate
- Concentric Communication
- Conservation Value, Inc
- Cyber-Infrastructure
- Daniel Hofmann Productions
- David Clarke Design
- David J. Romano
- Davis Jeffries, Architect
- Diane L Edge DDS
- DSE
- Eadoc LLC

- Eco Greenwares
- EcoLayers, Inc.
- Earth Cup
- Eduardo Hueso
- Eileen Siedman
- Elemental LED
- Emma Stark
- ENLUMA
- Expansive Health Awareness, Inc.
- Eyeball Photography
- Fair Ridge Group
- Fawn River
- Femto Science
- FeNa - for everything N anything, LLC
- Frances Kalfus, O.M.D., L.A.C
- Full Scale Event Productions
- Garden Sanctuaries
- Gemini Benefits Partner
- George Iny Enterprises Inc.
- Geyer Lamb
- Gold Ring Power, LLC
- Gi Paoletti Design Lab
- Good Grace's Productions LLC
- Greenleaf Project Management
- Grant Foerster Fine Pruning & Plant Care
- Green Fuse Energy
- Green Station
- GWC
- Habitat Engineering & Forensics
- Hale House
- Harmony healing
- Harmony Organic Gardens
- House Earth
- Howerton Construction, Inc.
- Hugh Salamon
- Hunter-Gatherer Artifacts
- Imageworks
- Imani Lee, Inc.
- Infinite Functions, Inc.
- Inn of the Seventh Ray
- Inner Gardens
- Institute for Local Self-Reliance
- Instant Imprints
- Integrated Resource Management, Inc.
- John Kelley, AIA Architect
- Judy Schriebman
- Just Transition Alliance
- Kahl Consultants
- Kleine Editorial Services
- Kuuki Biotechnology LLC
- LA ProPoint, Inc. Lamebrane Records
- Lam Bentz Vineyard, LLC
- Larry Chinn
- Laughing Star Designs
- LB Designs
- Leane Eberhart
- Learning Fundamentals
- Left Coast Instruments, Inc.
- Leikam Enterprises, LLC
- Life Settlement Financial
- Linden Appraisal Services
- Lindon Schultz Architect/Engineer
- Lindsey Vaillancourt
- Little Footprint Lighting
- LMA
- Lotus Crafts
- Los Angeles Alliance for a New Economy (LAANE)
- Louis h. Felthouse Architect Inc.
- Lundco electric
- M. E. Sawyer Company
- Machado Fitness & Self Defense Training
- Marcy Wong Donn Logan Architects
- MARI-FLITE Ferries, Inc.
- Marianna Mejia
- Marstel-Day, LLC
- Mary's Green and Clean Handcrafted Soaps
- McVay & Co. Builders
- MD Resource Corporation
- Metabo Scientia
- Mineta San Jose International Airport (Airport Environmental)
- Mohave Power Co. Inc
- Mondo Life, Inc.
- Moving Picture Weddings
- Music Interactive
- Native Designs
- Natural Cleaning Products USA
- Oakhurst Technology
- Ocean Conservation Society
- Ocean Innovations
- Octy, Inc
- Pacific Builders
- Pacific Ink, Inc.
- Pacific Latex Products / Malgam Ent. Inc
- Parallel Interactive Communications
- Party Lite candles / Candlescaping by Paula
- Patricia Owen
- Philip Auerbach
- Pinnacle Installations, Inc.
- Polyglot Ltd.
- Pool Dan
- Precision Powder Coatings
- Premium Roofing & Waterproofing
- Prima Collections
- Pundir Group, Inc
- Quality Piano Tuning
- Redpoint Engineering
- Renewable Energy Consultant
- Richards & Sterling
- Ripplewood Resort
- Robert Cronin
- Rosales Business Partners LLC
- RV-ID, Inc.
- Santa Cruz Fire Equipment Company
- Save The Whales
- SCOPE*TEK

- Scott Johnson Consulting
- Seat Advisor
- Sfnewsfeed.us
- Shaktiart
- Shen Wei (USA) Inc.
- Sherpali
- Sierra Solar Systems
- Sierra Wealth Advisors
- Silent Tribunal LLC
- Slatter Construction, Inc.
- Solar Wind Works
- Solectric Electric
- Sound Service Company
- Spottswode Winery, Inc.
- Starlight Productions
- Starlight School
- State Farm-Julie Cook, agent
- Stein Neurology
- Steve Nice Consulting
- Sue White
- Suisun Creek Vineyards
- Susanne Moser Research & Consulting
- SWERVE
- TaterWare
- The Valley Women's Club
- Tegrus Builders Inc.
- The Added Edge, Inc.
- The MacPete Law Firm
- The Rosebud Agency
- The Soul Mine
- The Tucker Schoeman Venture (architects)
- Thrive Eco Solutions Inc
- Tierra Sol y Mar, Inc.
- Tim Brophy Construction
- Tim Devine Musical Services
- Timesmithing
- Tom Sawyer Software
- Treehouse Design Partnership
- TSA Contracting, Inc.
- UCSD
- United States Green Building Council (California Advocacy Committee)
- V8 Media
- Vicki L. Cyr, C.P.A.
- Victoria M. Armigo, EA
- Vigitron
- VIVA Transcription Corporation
- Viv Biz Club
- Waterways Consulting
- White Wolf Journeys
- William Mariner, D.C.
- Work It Out, Inc.
- Write to the Heart
- World Centric
- Zone One Pharmacy

Neighborhood Councils and Associations (Total population represented 725,550)

- Downtown Los Angeles Neighborhood Council (represents 25,355 people)
- Greater Griffith Park Neighborhood Council (represents 37, 236 people)
- Mar Vista Community Council (represents 55,000 people)
- North Hills East Neighborhood Council (represents 29,250 people)
- North Hollywood North East Neighborhood Council (represents people 12,000 people)
- Palms Neighborhood Council
- Reseda Neighborhood Council (represents 66,575 people)
- San Fernando Valley Young Democrats
- Silver Lake Neighborhood Council (represents 34,675 people)
- South Robertson Neighborhood Council (represents 45,000 people)
- Sun Valley Area Neighborhood Council (represents 81,788 people)
- Tarzana Neighborhood Council (represents 37,778 people)
- United Neighborhoods Neighborhood Council (represents 70,472 people)
- Van Nuys Neighborhood Council (represents 110,747 people)
- Venice Neighborhood Council (represents 40,885 people)
- West Los Angeles Neighborhood Council (represents 30,873 people)
- Westwood Neighborhood Council (represents 47,916 people)

Sanitation Districts, Refuse Workers, Recyclers and Composters

- California Refuse Recycling Council (CRRC)
- California Resource Recovery Association
- East Bay Municipal Utility District
- Central Contra Costa Solid Waste Authority
- Los Angeles County Solid Waste Management Committee / Integrated Waste Management Task Force
- Marin County Hazardous and Solid Waste Management Joint Powers Authority
- Marin Sanitary Service
- Monterey Regional Waste Management District
- Napa Recycling and Waste Services
- Recology
- Salinas Valley Solid Waste Authority
- Santa Clara Valley Water District
- Solid Waste Association of North America, California Chapters (SWANA)

- Sonoma County Waste Management Agency
- StopWaste.Org (Alameda County Waste Management Authority)
- Waste Connections Inc.

Environmental Justice/ Health and Worker Safety

- Black Women for Wellness
- Breast Cancer Fund
- California Rural Legal Assistance Foundation
- Environmental Justice Coalition for Water
- Great Beginnings for Black Babies, Inc.
- Just Transition Alliance
- Orange County Interfaith Coalition for the Environment
- Pacoima Beautiful
- Physicians for Social Responsibility Los Angeles
- Worksafe, Inc

Environmental and Ocean Conservation Groups

- Ballona Creek Renaissance
- Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- Board of the Sonoma County Regional Climate Protection Authority
- California Coastkeeper Alliance
- California Coastal Coalition
- California Coastal Commission
- California League of Conservation Voters
- Californians Against Waste
- Defenders of Wildlife
- Earth Resource Foundation
- Ecology Action
- Endangered Habitats League
- Environment California
- Environmental Working Group
- Heal the Bay
- Los Angeles Neighborhood Land Trust
- Malibu Surfing Association
- Natural Resources Defense Council
- O'Neill Sea Odyssey
- Planning and Conservation League
- San Diego Coastkeeper
- Save the Bay
- Save Our Shores
- Sea Turtle Restoration Project
- Seventh Generation Advisors
- Sierra Club California
- Sustainable Earth Initiative
- Teens Turning Green
- The Plastic Pollution Coalition
- The Watershed Project
- Trashbusters USA

Schools and School Workers

- Cabrillo College
- California School Nutrition Association
- Sacramento Unified School District, Superintendent

Hundreds of Individual Petition Signers

OPPOSITION

- American Chemistry Council
- California Chamber of Commerce
- California Film Extruders and Converters Association
- California Grocers Association
- California Manufacturers & Technology Association
- California Restaurant Association
- City of Lodi
- Dart Container Corporation
- Food Service Packaging Institute
- Industrial Environmental Association
- Irvine Chamber of Commerce
- Los Angeles County Business Federation
- National Federation of Independent Business
- Oxnard Chamber of Commerce
- Pactiv Corporation
- Sacramento Metro Chamber of Commerce
- Society of the Plastics Industry
- The Dardanelle Group
- Valley Industry and Commerce Association

STATUS

Passed the Senate 21-15
 Passed Assembly Natural Resources 6-3
 Passed Assembly Appropriations 9-5
 On Assembly Floor

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